

**ENTERED**

August 29, 2023

Nathan Ochsner, Clerk

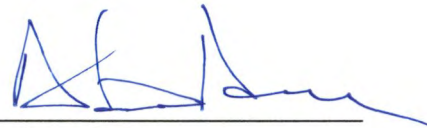
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION****DEBRA ARNECE CASEY,****Plaintiff,****v.****ROSENBERG POLICE DEPARTMENT,  
*et al.*,****Defendants.**§  
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§**CIVIL ACTION NO. 4:23-CV-1471****ORDER**

Plaintiff Debra Arnece Casey (“Plaintiff”) filed this *pro se* case against Defendants Rosenberg Police Department, Fort Bend Emergency Medical Services EMT, City of Rosenberg, and Rashida Ferguson (“Defendants”) on April 20, 2023. (Dkt. No. 1.) Plaintiff did not properly serve Defendants within 90 days and the Court extended his time to do so until August 21, 2023, under Federal Rule of Civil Procedure 4(m). (Dkt. No. 6.) Plaintiff did not file proof of service by that date. The deadline has passed, and Plaintiff has failed to file proof of service.

“Rule 4(m) requires dismissal [without prejudice] if a defendant is not served within 90 days after the complaint is filed, unless the plaintiff shows good cause for the failure.” *Lewis v. Sec’y of Pub. Safety & Corr.*, 870 F.3d 365, 369 (5th Cir. 2017); *see* Fed. R. Civ. P. 4(m). “A *pro se* plaintiff is entitled to notice before a district court dismisses an action, *sua sponte*, for failure to timely serve the defendants under Rule 4(m). But a plaintiff’s *pro se* status and ignorance of the law do not constitute cause for his or her failure to effect service in compliance with the rules.” *Ogoli v. Children’s Med. Ctr.*, No. 20-CV-435, 2021 WL 1147181, at \*1 (N.D. Tex. Jan. 29, 2021) (quotations and citations omitted), *report and recommendation adopted*, 2021 WL 1139563 (Mar.

25, 2021). Plaintiff here, although *pro se*, has been given an extra opportunity to file proof of proper service or demonstrate service was proper under applicable law. The Court **DISMISSES WITHOUT PREJUDICE** the case under Rule 4(m).

**SIGNED** in Houston, Texas on August 25, 2023.



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Andrew S. Hanen  
United States District Judge